

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	NO. 24-MJ-1847 DLM
)	
JESUS GILBERT LOPEZ, JR.,)	
)	
Defendant.)	

ORDER


THIS MATTER having come before the Court following a hearing on January 21, 2025, on Defendant's Notice of Appeal of Magistrate Court Detention Order (Doc. 14), and the Court, having heard from the government and defense counsel, having considered the evidence *de novo* pursuant to 18 U.S.C. § 3142 (f) and (g), and for the reasons stated on the record, FINDS by clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community.

The Court FINDS there is a rebuttable presumption in this case under 18 U.S.C. § 3142(e)(3)(e) and the defendant presented sufficient evidence to rebut the presumption. However, after considering the presumption and the other factors, this Court FINDS that detention is warranted based on evidence presented by the United States demonstrating by clear and convincing evidence that no condition or combination of conditions would reasonably assure the safety of the community.

The Court FINDS that the defendant is not a flight risk based on his ties to the community. The Court does not consider the defendant's prior failure to appear as a minor relevant.

The Court FINDS that detention is warranted based on the strong weight of the evidence against the defendant; the fact that the defendant is subject to a lengthy period of incarceration if convicted; and based on the defendant's history of violence and use of weapons as evidenced by the Order of Protection noted in Government's Exhibit 12.

IT IS THEREFORE ORDERED that the Defendant remain detained in the custody of the United States Marshal pending further order of the Court.



MARGARET I. STRICKLAND
UNITED STATES DISTRICT JUDGE